# REMARKS

Claims 1-10, 12, and 13 remain in this application. Claims 1-15 are rejected. Claims 11, 14 and 15 are cancelled herein. Claims 1, 12 and 13 are amended herein to address matters of form that were not addressed by the Examiner and accordingly are considered unrelated to substantive patentability issues.

Claims 1-6 and 8-15 is rejected under 35 U.S.C. § 102(b) as being anticipated by the Bennet reference. Claim 7 is rejected as obvious over the Bennet reference in view of the Adams reference under 35 U.S.C. §103(a). The applicant herein respectfully traverses these rejections.

"Under 35 U.S.C. §102, anticipation requires that <u>each and every element of the claimed invention be disclosed in the prior art reference.</u> ... In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public." *Akzo N.V. v. U.S. International Trade Commission,* 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), *cert. denied,* 482 U.S. 909 (1987). "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a

reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." MPEP §706.02(j) "Contents of a 35 U.S.C. §103 Rejection". It is respectfully submitted that the cited references fail to disclose at least the following features and elements of the present invention.

The claimed game system of claim 1 comprises *inter alia:*

> a selecting device which selects a predetermined number of symbols to be displayed on the game screen from a predetermined selection candidate group; and

> a probability controlling device which controls a probability of the dividend by adding or removing at least one common symbol which can be used as plurality of symbols to or from the selection candidate group before the selecting device selects the predetermined number of symbols, according to the outcome of the game.

Claims 12 and 13 include similar features.

Bennett fails to disclose the above feature. According to the invention of Bennett, it is determined whether a special feature should be invoked or not by

already selected symbols. When it is determined that a special feature should be invoked, a wild card symbol (corresponding to a common symbol of the present invention) displays on the screen and moves from symbol to symbol of *the already selected symbols* as shown in FIG. 3. At each position, it is determined whether any wining combination is formed or not. The machine pays a prize when a wining combination is formed in which the wild card symbol substitutes (col. 1 line 61 - col. 2 line 8, col. 3 lines 1 - 56). The selecting device of Bennett always selects the wild card symbol when a predetermined condition occurs. Therefore, the selecting device of Bennett treats the wild card symbol differently from other symbols. According to Bennett, a probability of the dividend is controlled by always including the wild card symbol to form a lot of wining combinations.

On the other hand, the probability controlling device of the present invention controls so that a probability of dividend increases by adding a common symbol to the selection candidate group. The selection candidate group exists prior to selection as is indicated by the claim language "a selecting device which selects a predetermined number of symbols to be displayed on the game screen from a predetermined selection candidate group." The selection candidate group is a group of symbols before selection is made. A selecting device of the present invention treats the common symbol similarly to the other symbols of the selection candidate group. Consequently, according to the present invention, after a common

symbol is added or removed from the selection candidate group, then selection occurs. Because of this feature, the present invention provides a probability fluctuation mode so that a probability fluctuation of hands is determined by the number of common symbols which may represent a plurality of symbols, i.e. "wildcards." Adams (US5,431,408) also fails to disclose and teach the above features.

Thus, it is respectfully submitted that the rejected claims are not obvious in view of the cited references for the reasons stated above. Reconsideration of the rejections of claims and their allowance are respectfully requested.

Applicant respectfully requests a one month extension of time for responding to the Office Action. Please charge the fee of $110.00 for the extension of time to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper

form for allowance of all claims and notice to that effect is earnestly solicited.

Please charge any deficiency or credit any overpayment to Deposit Account No.

10-1250.

Respectfully submitted,
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